

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<u>Joan Charles,</u>)	
<i>Plaintiff,</i>)	
)	
v.)	
)	C.A. No. 04-11625-RWZ
<i>Ocwen Federal Bank, FSB;</i>)	
<i>Ocwen Financial Corporation;</i>)	
<i>Massachusetts Property Insurance</i>)	
<i>Underwriting Association and One Call</i>)	
<i>Insurance Agency, Inc.</i>)	
<u><i>Defendants.</i></u>)	

**PLAINTIFF, JOAN CHARLES' EMERGENCY MOTION TO COMPEL DISCOVERY
AND FOR SANCTIONS AND COSTS AGAINST ONE CALL INSURANCE AGENCY,
INC. AND MASSACHUSETTS PROPERTY INSURANCE UNDERWRITING
ASSOCIATION**

NOW COMES the plaintiff in this action, Joan Charles (hereinafter "Plaintiff"), by and through her counsel, James Hoyt, Portnoy & Greene, P.C., and hereby moves this Honorable Court to Compel discovery and for sanctions and fees against defendants One Call Insurance Agency, Inc. ("One Call") and Massachusetts Property Insurance Underwriting Association ("MPIUA").

In support of this motion, Plaintiff states that she noticed the depositions of the president of One Call and the Person Most Knowledgeable of MPIUA for 10 a.m. and 2 p.m. respectively, on Friday, October 13, 2006. One Call and MPIUA moved this Court to "Quash" said depositions and Plaintiff opposed their motions. As of the time scheduled for said depositions, the court had not quashed or otherwise issued a protective order regarding said depositions. Neither deponents nor counsel appeared for either deposition.

Plaintiff avers that the defendants' efforts to prevent depositions of their clients would create unfair advantage in the presentation of summary judgment arguments. Plaintiff

incorporates herein by reference her oppositions to defendants' Motions to Quash regarding the subject depositions. In any event, the Court had not granted defendants their requested relief and their failure to attend was therefore in violation of the relevant discovery rules. It is the understanding of counsel that subject to the Court's orders to the contrary, simply not attending is not an appropriate course of action.

WHEREFORE, Plaintiff requests the following relief:

1. An order compelling the requested discovery;
2. that sanctions and costs, including court reporter fees and attorneys fees, be awarded to Plaintiff;
3. an order confirming the validity of the deposition scheduled Tuesday, October 17, 2006 for the person most knowledgeable of the defendant Ocwen; and
4. an order allowing Plaintiff reasonable time, after the conduct of said depositions, to submit her oppositions to the various Summary Judgment motions filed by defendants.

Respectfully Submitted,
The Plaintiff,
Joan Charles,
By her Attorney,

s/ James Hoyt
James Hoyt (BBO # 644651)
Portnoy & Greene, P.C.
Attorney for Plaintiff
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Dated: October 13, 2006

CERTIFICATE OF SERVICE

I, James Hoyt, hereby certify that a copy of the forgoing Motion was served on even date with the filing hereof, October 13, 2006 via the Court's ECF system to:

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s/ James Hoyt
James Hoyt